



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/776,087	02/11/2004	Vikas Gupta	62012B (1062-010C1)	2351
25215	7590	04/28/2006	EXAMINER	
DOBRUSIN & THENNISCH PC 29 W LAWRENCE ST SUITE 210 PONTIAC, MI 48326			BLANKENSHIP, GREGORY A	
			ART UNIT	PAPER NUMBER
			3612	

DATE MAILED: 04/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/776,087

Applicant(s)

GUPTA ET AL.

Examiner

Greg Blankenship

Art Unit

3612

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on amendment filed 2/15/2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 56-59, 62-66, 69-72 and 75-83 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 56-59, 62-66, 69-72 and 75-83 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 2/11/2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the “the first panel and second panel are molded to integrally incorporate the first panel and second panel” must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

2. Claims 56-59, 62-66, 69-72, 75 and 83 are rejected under 35 U.S.C. 112, first paragraph, because the specification, while being enabling for the “first panel” and the “second panel” being molded, does not reasonably provide enablement for molding the second panel to the first panel or

Art Unit: 3612

molding the first panel and second panel to be “integrally incorporate the first and second panel”.

The specification does not enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make the invention commensurate in scope with these claims. The specification states on lines 17 and 18 of page 29, “the panels are joined (e.g., using a fastener, an adhesive or a welding technique as discussed in the foregoing)”.

3. Claims 56-59, 62-66, 69-72, 75 and 83 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 56 is confusing and appears to be incorrect. The claim reads such that one would believe that the panels are molded together because of the limitation, “a second molded plastic panel molded to the first panel”. However, it appears that the panels are molded and then connected by another method (e.g., using a fastener, an adhesive or a welding technique). This claim has been examined on the belief that the intended limitation is that the first panel and second panel are molded to allow the first panel and the second panel to be connected.

Claims 56, 63 and 83 are confusing and appear to be incorrect. The claims read such that one would believe that the panels are molded together because of the limitation, “the first panel and the second panel are molded to integrally incorporate the first panel and the second panel”. This limitation contradicts the earlier claimed connection by “mechanical interlocks”. This claim has been examined on the belief that the intended limitation is that the first panel and second panel are molded to allow the first panel and the second panel to be connected.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 56-59, 62-66, 69-72, and 75-83 are rejected under 35 U.S.C. 102(e) as being anticipated by Delmastro (6,354,623).

Delmastro discloses an instrument panel assembly having a first cross-vehicle molded plastic panel (12) and a second molded plastic panel (14). The first panel (12) is made of a first plastic material and the second panel (14) is made of second plastic material that is different from the first plastic material. The first plastic material may include PC/ABS material, as disclosed on lines 44-45 of column 2. The second plastic material may include polyolefin material, in reference to claim 56, and polypropylene, in reference to claims 63 and 76, as disclosed on lines 56 and 46 of column 2; respectively. The panels (12,14) define air ducts (30,32) for a vehicle cabin heating and cooling system. The first panel is joined to the second panel with one or more mechanical interlocks, as disclosed on lines 4-14 of column 6. In reference to claims 56, 75 and 82, the first and second panels (12,14) are capable of being joined to a separate show surface of the vehicle. In reference to claims 56, 71, 80, and 81, an opening (16) for an air bag module is formed in panel (12). In reference to claims 57, 64 and 77, tongue and groove mechanical interlocks, as disclosed on lines 4-14 of column 6, meet the limitations of the protrusion received in a channel. In reference to claims 58, 65

Art Unit: 3612

and 78, at least one of the panels has at least one air outlet into the passenger compartment, as disclosed on lines 18-20 of column 5. In reference to claims 59, 66 and 79, Figure 2 shows the lower panel (14) with flanges on its topside that connect to the lower side of the upper panel (12). Flange (34) extends from the upper panel (12). In reference to claims 62 and 69, the first plastic material is from a different plastic family than the second material. In reference to claims 70, 72 and 82, the panels are capable of being attached to a show surface formed of a molded-in-color thermoplastic polyolefin.

Response to Arguments

6. Applicant's arguments filed 2/15/2006 have been fully considered but they are not persuasive. The applicant has argued that the 35 USC 112, 1st paragraph rejection stating that the claim limitations are supported by specification at the bottom of page 4 and top of page 5. The examiner disagrees because this line, "the seat back is molded (e.g., blow-molded) to integrally incorporate the first panel portion and the second panel portion", is directed to a non-claimed embodiment, a seat back. The specification does not support the limitations for the claimed embodiment of an instrument panel. The figures the applicant cites for support are also directed to the non-claimed seat back. The figures that illustrate the instrument panel embodiment, Figures 18 and 19, do not show the claimed limitations that have been rejected under 35 USC 112, 1st paragraph.

7. The applicant has argued the 35 USC 112, 2nd paragraph rejection. The applicant incorrectly stated that this rejection was under 35 USC 112, 1st paragraph in the applicant's response. That applicant argued that the support for using two or more connection techniques is supported at the bottom of page 6 and the top of page 7. The examiner disagrees because this disclosure is directed to the first panel portion (14) and second panel portion (16) of non-claimed seat back. The

Art Unit: 3612

disclosure for the instrument panel describes a joint, on lines 24-25 of page 30, that joins the panels together using “an adhesive joint, weld joint, mechanical joint or the like”, and does not disclose using different connection techniques in combination with each other or molding the two panels together.

8. The applicant has argued that the applicant’s claimed invention is not anticipated by Delmastro (6,354,623) for several reasons. The first reason is that Delmastro does not disclose the “first panel and the second panel are molded to integrally incorporate the first panel and second panel” as required by claims 56 and 63. The examiner has rejected the claim limitation under 35 USC 112,2nd paragraph for being unclear and is believed to be incorrect. The examiner has stated in the rejection how this claim limitation has been read. It has been read on the belief that the intended limitation is that the first panel and second panel are molded to allow the first panel and the second panel to be connected. Delmastro anticipates the examiner’s reading of the intended limitation.

9. The applicant has argued that Delmastro does not disclose a PC/ABS material for the first plastic material. The examiner disagrees because Delmastro states that any suitable material may be used including materials containing “polycarbonate (PC), acrylonitrile-butadiene-styrene (ABS), styrene-maleic-anhydride (SMA), polyurethane (PU) and polypropylene (PP).” The examiner believes the use of “and” in this listing of chemicals discloses the combination of the chemicals, which include both PC and ABS. This is further supported by Delmastro’s preferred material being a blend of multiple chemicals, as disclosed on lines 38-41 of column 2.

10. The applicant has argued that polypropylene is not disclosed as Delmastro’s “different material”. Delmastro does not specifically state that the polyolefin “different material” must be

Art Unit: 3612

polypropylene. However, polypropylene is the only polyolefin material disclosed as being suitable for forming the panel.

11. The applicant has argued that Delmastro's "'opening (16) for an air bag module" is a panel". The examiner believes the applicant meant "in" and not "is". The applicant has argued that opening (16) does not anticipate the applicant's claimed opening. The examiner disagrees since the limitations require an opening in "one or both of the first panel and the second panel" for receiving an instrument or a gauge. The opening (16) is formed in one of the first pane and the second panel. The limitation, "for receiving an instrument or a gauge", is also anticipated because the opening is capable of receiving an instrument or a gauge. If more weight were given to this limitation, it would still be met because the air bag module is an instrument, as broadly claimed.

Conclusion

12. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Greg Blankenship whose telephone number is 571-272-6656.

Art Unit: 3612

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn Dayoan can be reached on 571-272-6659. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

gab

April 24, 2006



4/26/06

D. GLENN DAYOAN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600